

Honorable Whitman L. Holt
Chapter 11
Hearing Date: December 21, 2021
Hearing Time: 11:00 a.m.
Hearing Location: (via telephone)

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

Defendants.

) Chapter 11
)
) Lead Case No. 21-00141-11
) Jointly Administered
)
) Adv. Proc. No. 21-80050(WLH)
)
) CODY AND DEBBY EASTERDAY'S
) JOINDER IN SUPPORT OF MOTIONS
) FILED BY KAREN EASTERDAY
)
)
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¹ The Debtors, along with their case numbers, are as follows: Easterday Ranches, Inc. (21-00141) and Easterday Farms, a Washington general partnership (21-00176).

1 Her Motion to Disqualify Pachulski Stang Ziehl & Jones LLP, and Motion for Reconsideration
2 (the “Motion to Shorten”) [ECF No. 30] (Collectively the “Motions”) filed by Karen L. Easterday.
3 The Easterdays hereby incorporate the Motions as if fully set forth herein and agree the Complaint,
4 Answer and Counterclaim filed in the Adversary Proceeding make clear a direct, live adversity
5 has arisen. As noted in the Motion to Disqualify, there is an actual conflict between Farms and
6 Ranches because the court must determine which of them (along with the Easterday family) owned
7 the Sale Properties and how much value each of the estates (along with the Easterday family) will
8 receive from the proceeds of the Sale. Under these facts counsel for the Debtors should be
9 disqualified from representing both Debtors in the Adversary Proceeding as they are not
10 disinterested and hold interests adverse to each estate.

11 The Easterdays also agree that the issue of who can be appointed as new counsel should be
12 revisited. The unsecured creditor committee counsel cannot be appointed to represent the Debtor’s
13 interests as the committee’s interests are more limited and may diverge from the estates interests
14 as a whole. *See* 11 U.S.C. § 1103(b). To that end the Easterdays note that the issues raised in the
15 Motion to Disqualify are similar to issues that are often resolved through the appointment of
16 special counsel under 11 U.S.C. § 327(e), as has previously been done in these Chapter 11 cases.

17 For these reasons and the reasons set forth in the Motions, the Easterdays respectfully
18 request the court grant the Motion to Disqualify, the Motion for Reconsideration and the Motion
19 to Shorten Time and order Pachulski Stang Ziehl & Jones LLP and Bush Kornfeld LLP to
20 immediately cease representing the Debtors in this Adversary Proceeding.

21 Dated this 17th day of December, 2021.

22 SUSSMAN SHANK LLP

23 /s/ Jeffrey C. Misley

24 By _____
25 Jeffrey C. Misley, WSBA # 33397
26 Attorneys for Cody Easterday and Debby Easterday

1 CERTIFICATE OF SERVICE

2 I, Majesta P. Racanelli, declare as follows:

3 I am employed in the County of Multnomah, state of Oregon; I am over the age of eighteen
4 years and am not a party to this action; my business address is 1000 SW Broadway, Suite 1400,
5 Portland, Oregon 97205-3089, in said county and state.

6 I certify that on December 17, 2021, I served **CODY AND DEBBY EASTERDAY'S**
7 **JOINDER IN SUPPORT OF MOTIONS FILED BY KAREN EASTERDAY**, on all ECF
8 participants as indicated on the Court's Cm/ECF system.

9 I swear under penalty of perjury that the foregoing is true and correct to the best of my
10 knowledge, information, and belief.

11 Dated: December 17, 2021.

12
13 */s/ Majesta P. Racanelli*

14 _____
Majesta P. Racanelli, Paralegal